

## **R E M A R K S**

Careful consideration has been given to the Official Action of August 30, 2004 and reconsideration of the application as amended is respectfully requested.

Claim 1 has been amended to incorporate the subject matter from Claims 2, 4 and 8. Claims 2-8 has been cancelled. Claim 11 has been amended to incorporate the subject matter from Claims 12, 14 and 18 and Claims 12 - 18 have been cancelled. Claim 21 has been amended to incorporated the subject matter from Claims 22, 24 and 28 and Claims 22 - 28 had been cancelled. As now presented the claims for consideration are Claims 1, 9, 10, 11, 19, 20, 21, 29 and 30. It is respectfully submitted that these claims are allowable over the cited art.

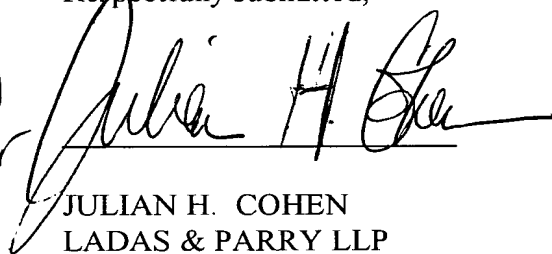
The independent claims now require that the software-containing hardware units comprise point of sale terminals and that the center interfaces with said with said at least one software containing hardware unit for determining parameters of applications operative thereon and further that an application of a program runs on the software-containing software unit.

The Examiner has rejected the claims under 35 U.S.C. § 103 as being unpatentable over Yanagawa in view of Chen. It is respectfully submitted that the claims as now presented are not subject to this rejection. In advancing the rejection the Examiner relies on Chen for teaching a number of uses of the applications files or configurations and considers that it would be obvious to incorporate this with Yanagawa. It is respectfully submitted that it is not obvious to combine the references as proposed by the Examiner and the Examiner has drawn conclusions based on the alleged combination which is not evident from the references themselves. The Examiner refers to conclusions and advantages by

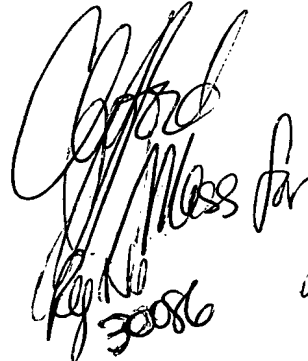
generating configuration files from one system, but these are not supported by the references themselves and results in benefits that are not obvious from the cited references. Indeed the Examiner relies upon the content of the instant specification as justification for the combination of references (citing the last paragraph of page 10 of the specification), and this specifically underlines the reliance upon the application itself to justify combining the references to arrived at the claimed combination and method. This is not in accord with 35 U.S.C. 103 which requires that the references be obviously capable of combination based on the teachings therein without relying on the teachings in the application itself. Such a combination is a hindsight re-evaluation of the prior art and this is not permissible.

Therefore, it is respectfully submitted that the claims as now presented are in allowable condition and favorable reconsideration is earnestly solicited.

Respectfully submitted,



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